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PCT

NOTIFICATION DE TRANSMISSION DE COPIES
DE LA TRADUCTION DU RAPPORT D'EXAMEN
PRÉLIMINAIRE INTERNATIONAL
SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II
DU TRAITE DE COOPERATION EN MATIÈRE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)

Date d'expédition (jour/mois/année) 08 juin 2006 (08.06.2006)	NOTIFICATION IMPORTANTE
Référence du dossier du déposant ou du mandataire ARLS 13 B PCT	
Demande internationale n° PCT/FR2004/001751	Date du dépôt international (jour/mois/année) 06 juillet 2004 (06.07.2004)
Déposant AIRLESSYSTEMS etc	

Destinataire :

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12 JUIN 2006

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1. Transmission de la traduction au déposant.

- Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre I).
- Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre II).

2. Transmission d'une copie de la traduction aux offices désignés ou élus.

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Aucun

Les offices désignés ou élus suivants ayant renoncé à l'exigence selon laquelle la transmission doit être effectuée à cette date recevront une copie de cette traduction du Bureau international seulement à leur demande:

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3. Rappel concernant la traduction dans la ou l'une des langues officielles de l'office ou des offices élus.

Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élus, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élus intéressé dans le délai applicable (règle 74.1). Voir le volume II du *Guide du déposant du PCT* pour de plus amples renseignements.

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Genève 20, Suisse	Fonctionnaire autorisé Athina Nickitas-Etienne
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TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire ARLS 13 B PCT	POUR SUITE À DONNER		Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2004/001751	Date du dépôt international (<i>jour/mois/année</i>) 06 July 2004 (06.07.2004)	Date de priorité (<i>jour/mois/année</i>) 08 July 2003 (08.07.2003)	
Classification internationale des brevets (8 ^e édition, sauf indication d'une édition antérieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237			
Déposant AIRLESSYSTEMS			

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 7 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cadre n° I | Base de l'opinion |
| <input checked="" type="checkbox"/> Cadre n° II | Priorité |
| <input type="checkbox"/> Cadre n° III | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle |
| <input type="checkbox"/> Cadre n° IV | Absence d'unité de l'invention |
| <input checked="" type="checkbox"/> Cadre n° V | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input type="checkbox"/> Cadre n° VI | Certains documents cités |
| <input type="checkbox"/> Cadre n° VII | Certaines irrégularités relevées dans la demande internationale |
| <input type="checkbox"/> Cadre n° VIII | Certaines observations relatives à la demande internationale |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Date d'établissement du présent rapport
29 May 2006 (29.05.2006)

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 740 14 35	Fonctionnaire autorisé Athina Nickitas-Etienne no de téléphone : +41 22 338 89 95
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference ARLS 13 B PCT		Date of mailing (day/month/year)	
International application No. PCT/FR2004/001751	International filing date (day/month/year) 06.07.2004	Priority date (day/month/year) 08.07.2003	
International Patent Classification (IPC) or both national classification and IPC			
Applicant AIRLESSYSTEMS			

<p>1. This opinion contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15px; text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. I Basis of the opinion</td> </tr> <tr> <td style="width: 15px; text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td style="width: 15px; text-align: center;"><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="width: 15px; text-align: center;"><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td style="width: 15px; text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="width: 15px; text-align: center;"><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td style="width: 15px; text-align: center;"><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td style="width: 15px; text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I Basis of the opinion	<input checked="" type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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<input type="checkbox"/>	Box No. VII Certain defects in the international application																
<input type="checkbox"/>	Box No. VIII Certain observations on the international application																
<p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p>																	
<p>3. For further details, see notes to Form PCT/ISA/220.</p>																	

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	
Telephone No.	

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/001751

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
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International application No.
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Box No. II Priority

1. The following document has not yet been furnished:
 copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).
Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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INTERNATIONAL SEARCHING AUTHORITY

International application No.
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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

1. Reference is made to the following document in the present notification:

D1: EP 1 310 437 A (MITANI VALVE CO) 14 May 2003
(2003-05-14)

- 2 Document D1, which is considered to represent the most relevant prior art, describes (the references between parentheses apply to this document):

fluid product dispensing head intended to interact with a dispensing element (18) mounted on a fluid product reservoir (52), said head comprising a fluid product conduit (11a) defining an inlet end (11a) and an outlet end (12a), said inlet end (11a) being connected to an outlet (18b, 18c) of the dispensing element (18) and said outlet end defining a dispensing opening (12a) at which the user can remove the dispensed fluid product, said head comprising sealing means (13) intended selectively to seal the dispensing opening (12a), said sealing means comprising a sealing element (13a) which can be displaced between a sealing

WRITTEN OPINION OF THE
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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

position in which the sealing element seals the dispensing opening and an opening position in which the fluid product originating from the dispensing element can flow through the conduit and the dispensing opening,

from which the subject matter of independent claim 1 differs in that:

the head comprises a fixed part which is rotationally fixed to the dispensing element and a rotating part which can rotate in relation to the fixed part, said head comprising displacement means which can displace the sealing element between the sealing and opening positions when the rotating part is rotated in relation to the fixed part.

- 2.1 Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)). The problem that the present invention is intended to solve can thus be considered to be providing means for activating the sealing means which are independent of the actuation of the dispenser.
- 2.2 The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)) because the sealing element is activated by a rotating part which can rotate in relation to the fixed part, these means being displaceable between a sealing position and an opening position.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2.3 Claims 2-13 are dependent on claim 1 and thus also comply, as such, with the requirements of novelty and inventive step of the PCT.

3 Document D1, which is considered to represent the most relevant prior art, describes a fluid product dispenser comprising a fluid product reservoir and a dispensing element. The subject matter of claim 14 differs from document D1 in that this dispenser comprises a dispensing head as defined in claim 1. Therefore, the subject matter of claim 14 is novel (PCT Article 33(2)) and involves an inventive step (PCT Article 33(3)) for the same reasons as claim 1.